

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 287

FINAL READING

Introduced by McDonald, 41; Janssen, 15; Louden, 49; Combs, 32;
Friend, 10

Read first time January 10, 2005

Committee: General Affairs

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-101, Revised Statutes Cumulative Supplement, 2004; to
3 state intent; to define terms; to prohibit picketing
4 of a funeral as prescribed; to provide a penalty; to
5 harmonize provisions; to repeal the original section; and
6 to declare an emergency.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The Legislature finds that families have
2 a legitimate and legally cognizable interest in organizing and
3 attending funerals for deceased relatives and that the rights of
4 families to peacefully and privately mourn the death of relatives
5 are violated when funerals are targeted for picketing or protest
6 activities.

7 (2) The Legislature also recognizes that individuals have
8 a constitutional right to free speech and that in the context
9 of funeral ceremonies, the competing interests of picketers and
10 funeral participants must be balanced. Therefor, the Legislature
11 declares that the purposes of sections 1 to 3 of this act are
12 to protect the privacy of grieving families and to preserve the
13 peaceful character of cemeteries, mortuaries, churches, and other
14 places of worship during a funeral while still providing picketers
15 and protestors the opportunity to communicate their message at a
16 time and place that minimizes the interference with the rights of
17 funeral participants.

18 Sec. 2. For purposes of sections 1 to 3 of this act, the
19 following definitions apply:

20 (1) Funeral means the ceremonies and memorial services
21 held in connection with the burial or cremation of the dead but
22 does not include funeral processions on public streets or highways;
23 and

24 (2) Picketing of a funeral means protest activities
25 engaged in by a person or persons located within three hundred feet

1 of a cemetery, mortuary, church, or other place of worship during
2 a funeral.

3 Sec. 3. (1) A person commits the offense of unlawful
4 picketing of a funeral if he or she engages in picketing from one
5 hour prior to through two hours following the commencement of a
6 funeral.

7 (2) Unlawful picketing of a funeral is a Class III
8 misdemeanor.

9 Sec. 4. Section 28-101, Revised Statutes Cumulative
10 Supplement, 2004, is amended to read:

11 28-101 Sections 28-101 to 28-1350 and sections 1 to 3 of
12 this act shall be known and may be cited as the Nebraska Criminal
13 Code.

14 Sec. 6. Original section 28-101, Revised Statutes
15 Cumulative Supplement, 2004, is repealed.

16 Sec. 7. Since an emergency exists, this act takes effect
17 when passed and approved according to law.